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JAN 23 2004

In re Application of
Steve Lee et al.
Application No. 10/668,220
Filed: September 24, 2003
Attorney Docket No. 0941-0844P

OFFICE OF PETITIONS
DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) on September 24, 2003.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a), and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on September 24, 2003, with a declaration naming Steve Lee and Donnie Wu as joint inventors and signed by inventor Lee only. The present petition was also filed on September 9, 2003 requesting status under 37 CFR 1.47 claiming that joint inventor Wu could not be located.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) set forth above.

The present petition lacks items (1).

Petitioners must present a showing that diligent efforts have been made to locate the non-signing inventor. No evidence has been presented, only a statement that proof of the pertinent facts regarding the unavailability of the non signing inventor would be filed. It is averred that such statement would set forth that a diligent effort was made to reach Donnie Wu.

Until such time as pertinent facts regarding the diligent efforts made to reach Donnie Wu has been presented, status under 37 CFR 1.47 will not be accorded.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.

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